

of this section; *Provided*, that calamondin and kumquat plants may be moved interstate from a quarantined area in accordance with paragraph (b) of this section.

(b) Calamondin (*Citrus mitis*) and kumquat (*Fortunella* spp.) plants, with or without fruit attached, may be moved interstate from a quarantined area into any area of the United States except commercial citrus-producing areas if all of the following conditions are met:

(1) The plants are own-root-only and have not been grafted or budded;

(2) The plants are started, are grown, and have been maintained solely at the nursery from which they will be moved interstate.

(3) If the plants are not grown from seed, then the cuttings used for propagation of the plants are taken from plants located on the same nursery premises or from another nursery that is eligible to produce calamondin and kumquat plants for interstate movement under the requirements of this paragraph (b). Cuttings may not be obtained from properties where citrus canker is present.

(4) All citrus plants at the nursery premises have undergone State inspection and have been found to be free of citrus canker no less than three times. The inspections must be at intervals of 30 to 45 days, with the most recent inspection being within 30 days of the date on which the plants are removed and packed for shipment.

(5) All vehicles, equipment, and other articles used in providing inspection, maintenance, or related services in the nursery must be treated in accordance with § 301.75-11(d) before entering the nursery to prevent the introduction of citrus canker. All personnel who enter the nursery to provide these services must be treated in accordance with § 301.75-11(c) before entering the nursery to prevent the introduction of citrus canker.

(6) If citrus canker is found in the nursery, all regulated plants and plant material must be removed from the nursery and all areas of the nursery's facilities where plants are grown and all associated equipment and tools used at the nursery must be treated in accordance with § 301.75-11(d) in order for

the nursery to be eligible to produce calamondin and kumquat plants to be moved interstate under this paragraph (b). Fifteen days after these actions are completed, the nursery may receive new calamondin and kumquat seed or cuttings from a nursery that is eligible to produce calamondin and kumquat plants for interstate movement under this paragraph (b).

(7) The plants, except for plants that are hermetically sealed in plastic bags before leaving the nursery, are completely enclosed in containers or vehicle compartments during movement through the quarantined area.

(8) The calamondin or kumquat plants or trees are accompanied by a limited permit issued in accordance with § 301.75-12. The statement "Limited permit: Not for distribution in AZ, CA, HI, LA, TX, and American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands of the United States" must be displayed on a plastic or metal tag attached to each plant, or on the box or container if the plant is sealed in plastic. In addition, this statement must be displayed on the outside of any shipping containers used to transport these plants, and the limited permit must be attached to the bill of lading or other shipping document that accompanies the plants.

(c) Regulated nursery stock produced in a nursery located in a quarantined area that is not eligible for movement under paragraph (b) of this section may be moved interstate only for immediate export. The regulated nursery stock must be accompanied by a limited permit issued in accordance with § 301.75-12 and must be moved in a container sealed by APHIS directly to the port of export in accordance with the conditions of the limited permit.

[72 FR 13427, Mar. 22, 2007]

§ 301.75-7 Interstate movement of regulated fruit from a quarantined area.

(a) *Regulated fruit produced in a quarantined area.* Regulated fruit may be moved interstate from a quarantined area into any area of the United States except commercial citrus-producing areas if all of the following conditions are met:

(1) Every lot of regulated fruit to be moved interstate must be inspected by an APHIS employee at a commercial packinghouse for symptoms of citrus canker. Any lot found to contain fruit with visible symptoms of citrus canker will be ineligible for interstate movement from the quarantined area. The number of fruit to be inspected will be the quantity that is sufficient to detect, with a 95 percent level of confidence, any lot of fruit containing 0.38 percent or more fruit with visible canker lesions.¹

(2) The owner or operator of any commercial packinghouse that wishes to move citrus fruit interstate from the quarantined area must enter into a compliance agreement with APHIS in accordance with § 301.75-13.

(3) The regulated fruit was treated in accordance with § 301.75-11(a) of this subpart.

(4) The regulated fruit is free of leaves, twigs, and other plant parts, except for stems that are less than one inch long and attached to the fruit.

(5)(i) Each lot of regulated fruit found to be eligible for interstate movement must be accompanied by a limited permit issued in accordance with § 301.75-12. Regulated fruit to be moved interstate must be packaged in boxes or other containers that are approved by APHIS and that are used exclusively for regulated fruit that is eligible for interstate movement. The boxes or other containers in which the fruit is packaged, and any shipping documents accompanying the boxes or other containers, must be clearly marked with the statement "Limited Permit: USDA-APHIS-PPQ. Not for distribution in AZ, CA, HI, LA, TX, and American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands of the United States." Only fruit that meets all of the requirements of this section may be packed in

boxes or other containers that are marked with this statement;

(ii) *Provided*, that until August 1, 2008, fruit that meets all the requirements of this section may be packed in bags that are clearly marked with the statement "Not for distribution in AZ, CA, HI, LA, TX, and American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands of the United States," as long as the bags of fruit are packed in boxes that are marked as required by paragraph (a)(5)(i) of this section. Fruit that does not meet all the requirements of this section may not be packed in either bags or boxes that are marked with this statement.

(6) A lot of fruit that is determined to be ineligible for interstate movement under paragraph (a)(1) of this section may not be reconditioned and submitted for reinspection.

(b) Regulated fruit produced in a quarantined area that is not eligible for movement under paragraph (a) of this section may be moved interstate only for immediate export. The regulated fruit must be accompanied by a limited permit issued in accordance with § 301.75-12 and must be moved in a container sealed by APHIS directly to the port of export in accordance with the conditions of the limited permit.

(c) Regulated fruit not produced in a quarantined area. Regulated fruit not produced in a quarantined area but moved into a quarantined area for packing may be subsequently moved out of the quarantined area only if all the conditions of either paragraph (b)(1) or (b)(2) of this section are met.

(1) Conditions for subsequent movement into any area of the United States except commercial citrus-producing areas. (i) The regulated fruit was accompanied to the packing plant by a bill of lading stating the location of the grove in which the regulated fruit was produced.

(ii) The regulated fruit was treated in accordance with § 301.75-11(a) of this subpart.

(iii) The regulated fruit is free of leaves, twigs, and other plant parts, except for stems that are less than one inch long and attached to the regulated fruit.

¹If conditions warrant changing the number of fruit to a quantity that gives a statistically significant level of confidence of detecting lots containing a different percentage, determined by the Administrator, of fruit with visible canker lesions, APHIS will provide for public participation in that process through the publication of a notice in the FEDERAL REGISTER.

§ 301.75-8

(iv) The regulated fruit is accompanied by a limited permit issued in accordance with §301.75-12 of this subpart.

(2) Conditions for subsequent movement into any area of the United States including commercial citrus-producing areas. (i) The regulated fruit is accompanied by a bill of lading that states the location of the grove where the fruit was produced, the variety and quantity of fruit, the address to which the fruit will be delivered for packing, and the date the movement of the fruit began.

(ii) The regulated fruit is moved through the quarantined area without being unloaded and no regulated article is added to the shipment in the quarantined area.

(iii) The regulated fruit is completely covered, or enclosed in containers or in a compartment of a vehicle, both during its movement to a packing plant in a quarantined area and during its movement from a packing plant in a quarantined area to destinations outside that quarantined area.

(iv) At the packing plant, regulated fruit produced outside the quarantined areas is stored separately from and has had no contact with regulated fruit produced in a quarantined area. Any equipment at the packing plant that comes in contact with regulated fruit produced in a quarantined area is treated in accordance with §301.75-11(d) of this subpart before being used to handle any regulated fruit not produced in a quarantined area.

(v) The regulated fruit is treated at the packing plant in accordance with §301.75-11(a) of this subpart.

(vi) Due to the likelihood that they will be commingled with similar regulated articles collected from regulated fruit produced in a quarantined area, all leaves, litter, and culls collected from the shipment of regulated fruit at the packing plant are handled as prescribed in §301.75-4(d)(2)(ii)(E) of this subpart.

(vii) The regulated fruit is accompanied by a certificate issued in ac-

7 CFR Ch. III (1-1-08 Edition)

cordance with §301.75-12 of this subpart.

(Approved by the Office of Management and Budget under control number 0579-0325)

[55 FR 37452, Sept. 11, 1990, as amended at 64 FR 60091, Nov. 4, 1999; 71 FR 43352, Aug. 1, 2006; 72 FR 1415, Jan. 12, 2007; 72 FR 13428, Mar. 22, 2007; 72 FR 65203, Nov. 19, 2007]

§ 301.75-8 Interstate movement of regulated seed from a quarantined area.

Regulated seed may be moved interstate from a quarantined area into any area of the United States if all of the following conditions are met:

(a) During the 2 years before the interstate movement, no plants or plant parts infected with or exposed to citrus canker were found in the grove or nursery producing the fruit from which the regulated seed was extracted.

(b) The regulated seed was treated in accordance with §301.75-11(b) of this subpart.

(c) The regulated seed is accompanied by a certificate issued in accordance with §301.75-12 of this subpart.

[55 FR 37452, Sept. 11, 1990]

§ 301.75-9 Interstate movement of regulated articles from a quarantined area for experimental or scientific purposes.

A regulated article may be moved interstate from a quarantined area if:

(a) Moved by the United States Department of Agriculture for experimental or scientific purposes;

(b) Moved pursuant to a Departmental permit issued for such article by the Administrator;

(c) Moved in accordance with conditions specified on the Departmental permit and determined by the Administrator to be adequate to prevent the spread of citrus canker, i.e., conditions of treatment, processing, growing, shipment, disposal; and

(d) Moved with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, with such tag or label bearing a Departmental permit number corresponding to the